

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ACE LIMITED,)
)
Plaintiff,)
v.) Case No. 4:14-cv-01068-CDP
)
ACE INSURANCE AGENCY LLC,)
)
Defendant.)

DEFAULT JUDGMENT AND ORDER

This matter comes before the Court on the Motion for Default Judgment filed by Plaintiff ACE Limited. In its Complaint, Plaintiff seeks damages and injunctive relief as a result of Defendant's trademark infringement and false designation of origin and false representation, pursuant to federal law.

Defendant ACE Insurance Agency, LLC was properly served with the Summons and Complaint on June 11, 2014. The time for Defendant to answer the Complaint has now expired and has not otherwise been extended. Defendant has not filed any answer or made any other appearance in this matter. Plaintiff notified Defendant of its Motion for Entry of Default on July 29, 2014, and the Clerk of Court duly noted Defendant's default on August 12, 2014. Plaintiff has now moved for default judgment against Defendant pursuant to Federal Rule of Civil Procedure 55.

Plaintiff owns numerous federal service mark registrations including the following (the "ACE Marks"):

- ACE – US Reg. No. 2,778,828, issued November 4, 2003, with first use in commerce at least as early as August, 1997, for property and casualty insurance

underwriting services.

- ACE – US Reg. No. 3,177,329, issued November 28, 2006, with first use in commerce at least as early as May 31, 1998, for insurance services, namely, property and casualty insurance and reinsurance underwriting, claims administration and loss control services, and related financial services, namely, financial guaranty and surety insurance underwriting, mortgage guaranty and guaranty assurance underwriting, and financial risk management services, namely, underwriting credit default swaps, finite risk structures and other financial derivatives and balance sheet protection products.
- ACE – US Reg. No. 4,353,311, issued June 18, 2013, with first use in commerce at least as early as 1999, for insurance underwriting services in the fields of boat and yacht insurance; insurance underwriting services in the fields of automobile, home, condominium, vacation, rental property, valuable collections and personal umbrellas.
- ACE (with logo design) – US Reg. No. 2,956,379, issued May 31, 2005, with first use in commerce at least as early as April, 1999, for insurance services, namely, underwriting, claims administration and processing services, loss control services, brokerage services, consultation and planning services, risk management services, subrogation and actuarial services, claims adjustment, insurance appraisals, all in the fields of property and casualty insurance and reinsurance; and related financial services, namely, financial guaranty and surety insurance and reinsurance, mortgage guaranty, trade credit and residual value reinsurance, title cover, mortgage guaranty and guaranty assurance underwriting,

and financial risk management services, namely underwriting credit default swaps, finite risk structures and other financial derivatives and balance sheet protection products.

- **ACE ADVANTAGE** – US Reg. No. 2,106,692, issued October 21, 1997, with first use in commerce at least as early as November, 1996, for commercial property and casualty insurance underwriting services.
- **ACE GROUP** – US Reg. No. 3,207,350, issued November 28, 2006, with first use in commerce at least as early as July, 1999, for insurance, namely, property, casualty, accident, health, life and liability insurance and reinsurance underwriting; insurance services, namely, claims administration and processing services, loss control services, brokerage services, consultation and planning services, risk management services, subrogation and actuarial services, claims adjustment, and insurance appraisals, all in the fields of property, casualty, accident, health, life and liability insurance and reinsurance; related financial services, namely, financial guaranty and surety insurance and reinsurance, mortgage guaranty, trade credit and residual value insurance, title cover, asset management, trust account and custodial services, and mortgage guaranty assurance underwriting; and related financial risk management services, namely, underwriting credit default swaps, finite risk structures, financial derivatives, and balance sheet protection products; asset management; and trust account and custodial services.
- **ACE USA** – US Reg. No. 2,947,303, issued May 10, 2005, with first use in commerce at least as early as May 31, 1998, for insurance services, namely,

underwriting, claims administration and processing services, loss control services, brokerage services, consultation and planning services, risk management services, subrogation and actuarial services, claims adjustment, insurance appraisals, all in the fields of property and casualty insurance and reinsurance, and related financial services, namely, financial guaranty and surety insurance underwriting, mortgage guaranty and guaranty assurance underwriting, and financial risk management services, namely underwriting credit default swaps, finite risk structures and other financial derivatives and balance sheet protection products.

The Court, having reviewed the papers, and good cause having been shown hereby
ORDERS, ADJUDGES, AND DECREES:

1. Defendant, its officers, directors, agents, servants, employees, representatives, successors, assigns, attorneys, licensees, distributors and all those persons in active concert or participation with Defendant, are enjoined from, directly or indirectly,
 - i. using the ACE Marks or using any confusingly similar designation, alone or in combination with other words, as a trademark, service mark, domain name, or trade name to identify, market, distribute, advertise, promote, to offer for sale or to provide any goods or services;
 - ii. otherwise infringing the ACE Marks;
 - iii. continuing acts of false designation of origin, or doing any acts that may cause Defendant's services to be mistaken for, confused with, or passed off as ACE Limited's services;

iv. applying for or attempting to register with any governmental entity, including but not limited to the USPTO, any trademark or service mark consisting in whole or in part of the ACE Marks.

2. Defendant is directed to file with this Court and to serve on ACE Limited a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with this injunction within ten days of the date of this Order.

3. Defendant shall remove the ACE Marks and any confusingly similar name or mark from its websites including but not limited to <<http://www.greatace.com>>, all social media hubs, HTML code, search engine query terms, and any other electronic communications hosts, links and devices.

4. Defendant shall transfer to Plaintiff any domain name consisting, in whole or in part, of the ACE Marks.

5. Plaintiff does recover from Defendant the total sum of \$6194.96, which amount encompasses Plaintiff's reasonable attorney's fees, costs, interest, and other expenses allowed by 15 U.S.C. § 1117(a), and that Plaintiff shall also receive interest on said amount at the legal rate in effect on the date of this judgment, and Plaintiff shall have execution thereon.

Dated: 9/2/14

SO ORDERED:


Hon. Catherine D. Perry
Chief United States District Judge